

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 EDWARD K. KIM
Deputy Attorney General
4 State Bar No. 195729
California Department of Justice
5 300 South Spring Street, Suite 1702
Los Angeles, CA 90013
6 Telephone: (213) 269-6540
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2015-016426

13 **JEFFREY DIEVENDORF**
14 **23157 Leonora Dr.**
15 **Woodland Hills, California 91367**

DEFAULT DECISION
AND ORDER

16 **Research Psychoanalyst**
17 **Registration No. 93,**

[Gov. Code, §11520]

18 Respondent.

19 **FINDINGS OF FACT**

20 1. On or about May 15, 2018, Complainant Kimberly Kirchmeyer, in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs, filed Accusation No. 800-2015-016426 against Jeffrey Dievendorf (Respondent) before
the Medical Board of California.

23 2. On or about March 6, 2002, the Medical Board of California (Board) issued Research
24 Psychoanalyst Registration Number 93 to Respondent. The Research Psychoanalyst Registration
25 was in full force and effect at all times relevant to the charges brought herein and will expire on

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1 February 29, 2020, unless renewed. A copy of the Certificate of Licensure is included as Exhibit
2 A in the separate accompanying Default Decision Exhibit Packet.¹

3 3. On or about May 15, 2018, Kristy Voong, an employee of the Complainant Agency,
4 served by Certified and First Class Mail a copy of Accusation No. 800-2015-016426, Statement
5 to Respondent, Notice of Defense, Request for Discovery, and Government Code sections
6 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and
7 is 23157 Leonora Drive, Woodland Hills, California 91367. A copy of the Accusation, the
8 related documents, and Declaration of Service are included as Exhibit B within the Exhibit
9 Packet, and are incorporated herein by reference.

10 4. On or about May 18, 2018, the aforementioned documents were returned by the U.S.
11 Postal Service marked "Forward Time Expired, Return to Sender." A copy of the envelope
12 returned by the post office is contained within the Exhibit Packet as Exhibit C and is incorporated
13 herein by reference. On the envelope, the U.S. Postal Service identified Respondent's forwarding
14 address as 2975 Grand Avenue, Apt. 2, Astoria, OR 97103-2840.

15 5. On or about June 15, 2018, Kristy Voong served by Certified Mail, First Class Mail
16 and FedEx a copy of Accusation No. 800-2015-016426 and the related documents to
17 Respondent's forwarding address provided by the U.S. Postal Service, which is 2975 Grand
18 Avenue, Apt. 2, Astoria, OR 97103-2840. A copy of the Declaration of Service reflecting the
19 mailings is included as Exhibit D within the Exhibit Packet and is incorporated herein by
20 reference.

21 6. On June 19, 2018, a Courtesy Notice of Default, together with a copy of the
22 Accusation and related documents, was served upon Respondent via First Class Mail at both his
23 address of record with the Board (23157 Leonora Drive, Woodland Hills, California 91367) and
24 his most current forwarding address provided by the U.S. Postal Service (2975 Grand Avenue,
25 Apt. 2, Astoria, OR 97103-2840). A separate copy of the aforementioned documents was also
26 served upon Respondent at his Oregon address by Certified Mail. A copy of the Courtesy Notice

27
28 ¹ The Exhibits referred to herein, which are true and correct copies of the originals, are
contained in the accompanying Default Decision Exhibit Packet.

1 with proof of service reflecting the mailings is included in the Exhibit Packet filed herewith as
2 Exhibit E, and is incorporated herein by reference.

3 7. Service of the Accusation was effective as a matter of law under the provisions of
4 Government Code section 11505, subdivision (c).

5 8. Government Code section 11506 states, in pertinent part:

6 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
7 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
8 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
9 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

10 9. Respondent failed to file a Notice of Defense within 15 days after service upon him
11 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
12 800-2015-016426.

13 10. California Government Code section 11520 states, in pertinent part:

14 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
15 agency may take action based upon the respondent's express admissions or upon other evidence
16 and affidavits may be used as evidence without any notice to respondent."

17 11. Business and Professions Code section 2529 states:

18 "(a) Graduates of the Southern California Psychoanalytic Institute, the Los Angeles
19 Psychoanalytic Society and Institute, the San Francisco Psychoanalytic Institute, the San Diego
20 Psychoanalytic Center, or institutes deemed equivalent by the Medical Board of California who
21 have completed clinical training in psychoanalysis may engage in psychoanalysis as an adjunct to
22 teaching, training, or research and hold themselves out to the public as psychoanalysts, and
23 students in those institutes may engage in psychoanalysis under supervision, if the students and
24 graduates do not hold themselves out to the public by any title or description of services
25 incorporating the words "psychological," "psychologist," "psychology," "psychometrists,"
26 "psychometrics," or "psychometry," or that they do not state or imply that they are licensed to
27 practice psychology.

28 ///

1 “(b) Those students and graduates seeking to engage in psychoanalysis under this chapter
2 shall register with the Medical Board of California, presenting evidence of their student or
3 graduate status. The board may suspend or revoke the exemption of those persons for
4 unprofessional conduct as defined in Sections 726, 2234, 2235, and 2529.1.”

5 12. Business and Professions Code section 2529.1 states:

6 “(a) The use of any controlled substance or the use of any of the dangerous drugs specified
7 in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
8 or injurious to the registrant, or to any other person or to the public, or to the extent that this use
9 impairs the ability of the registrant to practice safely or more than one misdemeanor or any felony
10 conviction involving the use, consumption, or self-administration of any of the substances
11 referred to in this section, or any combination thereof, constitutes unprofessional conduct. The
12 record of the conviction is conclusive evidence of this unprofessional conduct.

13 “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
14 deemed to be a conviction within the meaning of this section. The board may order discipline of
15 the registrant in accordance with Section 2227 or may order the denial of the registration when
16 the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or
17 when an order granting probation is made suspending imposition of sentence, irrespective of a
18 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing this person
19 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
20 of guilty, or dismissing the accusation, complaint, information, or indictment.”

21 13. Business and Professions Code section 2234 states:

22 “The board shall take action against any licensee who is charged with unprofessional
23 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
24 limited to, the following:

25 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
26 violation of, or conspiring to violate any provision of this chapter.

27 “(b) Gross negligence.

28 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or

1 omissions. An initial negligent act or omission followed by a separate and distinct departure from
2 the applicable standard of care shall constitute repeated negligent acts.

3 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
4 for that negligent diagnosis of the patient shall constitute a single negligent act.

5 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
6 constitutes the negligent act described in paragraph (1), including, but not limited to, a
7 reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs from the
8 applicable standard of care, each departure constitutes a separate and distinct breach of the
9 standard of care.

10 “(d) Incompetence.

11 “(e) The commission of any act involving dishonesty or corruption which is substantially
12 related to the qualifications, functions, or duties of a physician and surgeon.

13 “(f) Any action or conduct which would have warranted the denial of a certificate.

14 “(g) The practice of medicine from this state into another state or country without meeting
15 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
16 apply to this subdivision. This subdivision shall become operative upon the implementation of
17 the proposed registration program described in Section 2052.5.

18 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
19 participate in an interview by the board. This subdivision shall only apply to a certificate holder
20 who is the subject of an investigation by the board.”

21 14. Business and Professions Code section 2238 states:

22 “A violation of any federal statute or federal regulation or any of the statutes or regulations
23 of this state regulating dangerous drugs or controlled substances constitutes unprofessional
24 conduct.”

25 15. Business and Professions Code section 477 states:

26 “As used in this division:

27 “(a) ‘Board’ includes ‘bureau,’ ‘commission,’ ‘committee,’ ‘department,’
28 ‘division,’ ‘examining committee,’ ‘program,’ and ‘agency.’

1 “(b) ‘License’ includes certificate, registration or other means to engage in a
2 business or profession regulated by this code.”

3 16. Business and Professions Code section 490 provides, in pertinent part, that a board
4 may suspend or revoke a license on the ground that the licensee has been convicted of a crime
5 substantially related to the qualifications, functions, or duties of the business or profession for
6 which the license was issued.

7 17. Business and Professions Code section 493 states:

8 “Notwithstanding any other provision of law, in a proceeding conducted by a board within
9 the department pursuant to law to deny an application for a license or to suspend or revoke a
10 license or otherwise take disciplinary action against a person who holds a license, upon the
11 ground that the applicant or the licensee has been convicted of a crime substantially related to the
12 qualifications, functions, and duties of the licensee in question, the record of conviction of the
13 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
14 and the board may inquire into the circumstances surrounding the commission of the crime in
15 order to fix the degree of discipline or to determine if the conviction is substantially related to the
16 qualifications, functions, and duties of the licensee in question.”

17 “As used in this section, ‘license’ includes ‘certificate,’ ‘permit,’ ‘authority,’ and
18 ‘registration.’”

19 18. Business and Professions Code section 2227 provides that a licensee who is found
20 guilty under the Medical Practice Act may have his or her license revoked, suspended for a period
21 not to exceed one year, placed on probation and required to pay the costs of probation monitoring,
22 or such other action taken in relation to discipline as the Board deems proper.

23 19. Business and Professions Code section 2004 states:

24 “The board shall have the responsibility for the following:

25 “(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice
26 Act.

27 “(b) The administration and hearing of disciplinary actions.

28 “[...]”

1 20. Business and Professions Code section 822 states:

2 “If a licensing agency determines that its licentiate’s ability to practice his or her profession
3 safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the
4 licensing agency may take action by any one of the following methods:

5 “(a) Revoking the licentiate’s certificate or license.

6 “(b) Suspending the licentiate’s right to practice.

7 “(c) Placing the licentiate on probation.

8 “(d) Taking such other action in relation to the licentiate as the licensing agency in its
9 discretion deems proper.

10 “The licensing section shall not reinstate a revoked or suspended certificate or license until
11 it has received competent evidence of the absence or control of the condition which caused its
12 action and until it is satisfied that with due regard for the public health and safety the person’s
13 right to practice his or her profession may be safely reinstated.”

14 21. Health and Safety Code section 11170 states: “No person shall prescribe, administer,
15 or furnish a controlled substance for himself.”

16 22. On or about June 2, 2015, a police officer received a call about a traffic collision
17 located at Platt Avenue and Victory Boulevard in Los Angeles, California at approximately 1:04
18 p.m. and arrived on scene at approximately 1:13 p.m. The police officer observed the aftermath
19 of a six vehicle traffic collision; three of the parties were already placed into ambulances and
20 were being taken to hospitals. There was a heavy crowd of people gathering on the corners at the
21 intersection, and the fire department provided security and traffic control to shut the intersection
22 down to prevent another collision from occurring. At least two injuries resulted from the
23 incident. Respondent admitted at the accident scene that he put his car in gear and caused the
24 accident because he wanted to die. Respondent had driven his vehicle at a high rate of speed
25 (estimated at approximately 70 miles per hour) and collided into the back of the Honda causing
26 both vehicles to become airborne. Respondent then drove at a high rate of speed and collided into
27 another group of vehicles. Respondent suffered a contusion to the anterior chest wall and a few
28 abrasions over the hands. A certified copy of the Los Angeles Police Department incident report

1 dated June 2, 2015, is included in the Exhibit Packet filed herewith as Exhibit F, and is
2 incorporated herein by reference.

3 23. After the motor vehicle accident on or about June 2, 2015, Respondent was admitted
4 to Northridge Hospital Medical Center psychiatric unit on a 72-hour hold as a danger to self.
5 Upon admission, Respondent was depressed and verbalized suicidal ideation with a plan to drive
6 in Topanga Canyon and roll his car over himself to crush his chest and die. Respondent, who has
7 a history of chronic depression, was diagnosed with drug intoxication, substance abuse with
8 barbiturates and benzodiazepines, and marijuana use. His urine drug screen was presumptively
9 positive for benzodiazepines and cannabinoids. Respondent has a long history of polysubstance
10 abuse (THC, cocaine, and alcohol). Most recently he had been abusing THC for the past year.
11 He has a fake medical marijuana card. Respondent also admitted at the hospital that he took a
12 few hits of medical marijuana and drove and got lost and caused a five car pile up on Victory
13 Boulevard, severely injuring a driver. He also stated that he planned to find a doctor to perform
14 physician assisted suicide and that he had attempted suicide several times. Included in the
15 Exhibit Packet and filed herewith as Exhibit G is the declaration of investigator Veronica Alva,
16 which is incorporated herein by reference.

17 24. On or about July 27, 2015, in Los Angeles County Superior Court in case number
18 LA081433, entitled *The People of the State of California vs. Jeffrey Dievendorf*, Respondent was
19 charged with assault with a deadly weapon other than a firearm, in violation of Penal Code
20 section 245, subdivision (a)(1), a felony (Count 1), and vandalism (to damage/destroy property
21 valued over \$400), in violation of Penal Code Section 594, subdivision (a), a misdemeanor
22 (Count 2). A certified copy of the court docket in case number LA081433 is included in the
23 Exhibit Packet as Exhibit H, and is incorporated herein by reference ("Court Docket").

24 25. On or about September 9, 2016, Respondent was convicted, upon his pleas of *nolo*
25 *contendere*, of the violations in Counts 1 and 2. Respondent was sentenced to probation for a
26 period of five years, with terms and conditions, including, among other things, that Respondent
27 serve 90 days in jail and pay fines and restitution. (See Exhibit H, Court Docket.)

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26. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in Exhibits A through H, finds that the allegations in Accusation No. 800-2015-016426 are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jeffrey Dievendorf has subjected his Research Psychoanalyst Registration Number 93 to discipline.

2. A copy of the Accusation and the related documents and Declaration of Service are included as Exhibits in the accompanying Exhibit Packet.

3. The agency has jurisdiction to adjudicate this case by default.

4. Pursuant to its authority under Government Code section 11520, and based on the evidence before it, the Board hereby finds that the charges and allegations contained in Accusation No. 800-2015-016426, and the Findings of Fact contained in paragraphs 1 through 26 above, and each of them, separately and severally, are true and correct.

5. The Medical Board of California is authorized to revoke Respondent's Research Psychoanalyst Registration based upon the following violations alleged in the Accusation:

A. Conviction of a Criminal Offense: Respondent is subject to disciplinary action under Business and Professions Code sections 490, 2529 and 2234 in that he has been convicted of a crime which is substantially related to the qualifications, functions, or duties of a registered psychoanalyst, to wit, Penal Code section 245, subdivision (a)(1), assault with a deadly weapon other than a firearm, and Penal Code section 594, subdivision (a), vandalism. (See Exhibit H.)

B. Dangerous Use of Alcohol and Self Use of a Controlled Substance:

Respondent is subject to disciplinary action under Business and Professions Code sections 2529 and 2529.1 in that he used controlled substances and/or dangerous drugs specified in section 4022, and/or alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to himself and/or to any other person and/or to the public, and/or to the extent that his use impaired his ability to practice safely. (See Exhibit G.)

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1 C. Violation of Drug Statute: Respondent is subject to disciplinary action under
2 Business and Professions Code section 2238 and Health and Safety Code section 11170 in that
3 Respondent administered a controlled substance to himself. (See Exhibits F and G.)

4 D. Unable to Practice Safely Due to Mental Disorder: Respondent is subject to
5 disciplinary action under Business and Professions Code section 822 in that his ability to practice
6 safely is impaired because he is mentally or physically ill in a manner affecting competency. (See
7 Exhibits F and G.)

8 E. General Unprofessional Conduct: Respondent is subject to disciplinary action
9 under Business and Professions Code section 2234, generally, in that he committed
10 unprofessional conduct. (See Exhibits F, G and H.)

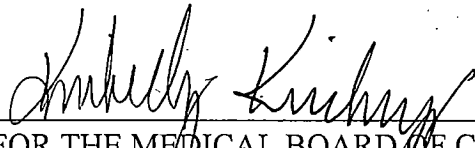
11 **ORDER**

12 IT IS SO ORDERED that Research Psychoanalyst Registration Number 93, heretofore
13 issued to Respondent Jeffrey Dievendorf, is revoked.

14 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
15 written motion requesting that the Decision be vacated and stating the grounds relied on within
16 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
17 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

18 This Decision shall become effective on September 21, 2018 at 5:00 p.m.

19 It is so ORDERED August 22, 2018

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22 _____
23 FOR THE MEDICAL BOARD OF CALIFORNIA
24 DEPARTMENT OF CONSUMER AFFAIRS
25 KIMBERLY KIRCHMEYER
26 EXECUTIVE DIRECTOR
27
28

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California Department of Justice
5 300 So. Spring Street, Suite 1702
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6 Telephone: (213) 269-6000
Facsimile: (213) 897-9395
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO May 15 20 18
BY K. Voong ANALYST

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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 800-2015-016426

JEFFREY DIEVENDORF
23157 Leonora Dr.
Woodland Hills, California 91367

ACCUSATION

Research Psychoanalyst
Registration No. 93,

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California (Board), Department of Consumer Affairs.

2. On or about March 6, 2002, the Board registered Jeffrey Dievendorf (Respondent) with Research Psychoanalyst Registration No. 93. The Research Psychoanalyst Registration was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2020, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise

1 indicated.

2 4. Section 2529 of the Code states:

3 “(a) Graduates of the Southern California Psychoanalytic Institute, the Los Angeles
4 Psychoanalytic Society and Institute, the San Francisco Psychoanalytic Institute, the San Diego
5 Psychoanalytic Center, or institutes deemed equivalent by the Medical Board of California who
6 have completed clinical training in psychoanalysis may engage in psychoanalysis as an adjunct to
7 teaching, training, or research and hold themselves out to the public as psychoanalysts, and
8 students in those institutes may engage in psychoanalysis under supervision, if the students and
9 graduates do not hold themselves out to the public by any title or description of services
10 incorporating the words “psychological,” “psychologist,” “psychology,” “psychometrists,”
11 “psychometrics,” or “psychometry,” or that they do not state or imply that they are licensed to
12 practice psychology.

13 “(b) Those students and graduates seeking to engage in psychoanalysis under this chapter
14 shall register with the Medical Board of California, presenting evidence of their student or
15 graduate status. The board may suspend or revoke the exemption of those persons for
16 unprofessional conduct as defined in Sections 726, 2234, 2235, and 2529.1.”

17 5. Section 2529.1 of the Code states:

18 “(a) The use of any controlled substance or the use of any of the dangerous drugs specified
19 in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
20 or injurious to the registrant, or to any other person or to the public, or to the extent that this use
21 impairs the ability of the registrant to practice safely or more than one misdemeanor or any felony
22 conviction involving the use, consumption, or self-administration of any of the substances
23 referred to in this section, or any combination thereof, constitutes unprofessional conduct. The
24 record of the conviction is conclusive evidence of this unprofessional conduct.

25 “(b) A plea or verdict of guilty or a conviction following a plea of nolo contendere is
26 deemed to be a conviction within the meaning of this section. The board may order discipline of
27 the registrant in accordance with Section 2227 or may order the denial of the registration when
28 the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal or

1 when an order granting probation is made suspending imposition of sentence, irrespective of a
2 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing this person
3 to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict
4 of guilty, or dismissing the accusation, complaint, information, or indictment.”

5 6. Section 2234 of the Code, states:

6 “The board shall take action against any licensee who is charged with unprofessional
7 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
8 limited to, the following:

9 “(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
10 violation of, or conspiring to violate any provision of this chapter.

11 “(b) Gross negligence.

12 “(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
13 omissions. An initial negligent act or omission followed by a separate and distinct departure from
14 the applicable standard of care shall constitute repeated negligent acts.

15 “(1) An initial negligent diagnosis followed by an act or omission medically appropriate
16 for that negligent diagnosis of the patient shall constitute a single negligent act.

17 “(2) When the standard of care requires a change in the diagnosis, act, or omission that
18 constitutes the negligent act described in paragraph (1), including, but not limited to, a
19 reevaluation of the diagnosis or a change in treatment, and the licensee’s conduct departs from the
20 applicable standard of care, each departure constitutes a separate and distinct breach of the
21 standard of care.

22 “(d) Incompetence.

23 “(e) The commission of any act involving dishonesty or corruption which is substantially
24 related to the qualifications, functions, or duties of a physician and surgeon.

25 “(f) Any action or conduct which would have warranted the denial of a certificate.

26 “(g) The practice of medicine from this state into another state or country without meeting
27 the legal requirements of that state or country for the practice of medicine. Section 2314 shall not
28 apply to this subdivision. This subdivision shall become operative upon the implementation of the

1 proposed registration program described in Section 2052.5.

2 “(h) The repeated failure by a certificate holder, in the absence of good cause, to attend and
3 participate in an interview by the board. This subdivision shall only apply to a certificate holder
4 who is the subject of an investigation by the board.”

5 7. Section 2238 of the Code states:

6 “A violation of any federal statute or federal regulation or any of the statutes or regulations
7 of this state regulating dangerous drugs or controlled substances constitutes unprofessional
8 conduct.”

9 8. Section 477 of the Code states:

10 “As used in this division:

11 “(a) ‘Board’ includes ‘bureau,’ ‘commission,’ ‘committee,’ ‘department,’
12 ‘division,’ ‘examining committee,’ ‘program,’ and ‘agency.’

13 “(b) ‘License’ includes certificate, registration or other means to engage in a
14 business or profession regulated by this code.”

15 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
16 revoke a license on the ground that the licensee has been convicted of a crime substantially
17 related to the qualifications, functions, or duties of the business or profession for which the
18 license was issued.

19 10. Section 493 of the Code states:

20 “Notwithstanding any other provision of law, in a proceeding conducted by a board within
21 the department pursuant to law to deny an application for a license or to suspend or revoke a
22 license or otherwise take disciplinary action against a person who holds a license, upon the
23 ground that the applicant or the licensee has been convicted of a crime substantially related to the
24 qualifications, functions, and duties of the licensee in question, the record of conviction of the
25 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
26 and the board may inquire into the circumstances surrounding the commission of the crime in
27 order to fix the degree of discipline or to determine if the conviction is substantially related to the
28 qualifications, functions, and duties of the licensee in question.”

1 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
2 'registration.'"

3 11. Section 2227 of the Code provides that a licensee who is found guilty under the
4 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
5 one year, placed on probation and required to pay the costs of probation monitoring, or such other
6 action taken in relation to discipline as the Board deems proper.

7 12. Section 2004 of the Code states:

8 "The board shall have the responsibility for the following:

9 "(a) The enforcement of the disciplinary and criminal provisions of the Medical Practice
10 Act.

11 "(b) The administration and hearing of disciplinary actions.

12 "[...]"

13 13. Section 822 of the Code states:

14 "If a licensing agency determines that its licentiate's ability to practice his or her profession
15 safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the
16 licensing agency may take action by any one of the following methods:

17 "(a) Revoking the licentiate's certificate or license.

18 "(b) Suspending the licentiate's right to practice.

19 "(c) Placing the licentiate on probation.

20 "(d) Taking such other action in relation to the licentiate as the licensing agency in its
21 discretion deems proper.

22 "The licensing section shall not reinstate a revoked or suspended certificate or license until
23 it has received competent evidence of the absence or control of the condition which caused its
24 action and until it is satisfied that with due regard for the public health and safety the person's
25 right to practice his or her profession may be safely reinstated."

26 14. Health and Safety Code section 11170 states: "No person shall prescribe, administer,
27 or furnish a controlled substance for himself."

28 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the

1 administrative law judge to direct a licentiate found to have committed a violation or violations of
2 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
3 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
4 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
5 included in a stipulated settlement.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of a Criminal Offense)**

8 16. Respondent is subject to disciplinary action under sections 490, 2529, and 2234 of the
9 Code in that he has been convicted of a crime which is substantially related to the qualifications,
10 functions, or duties of a registered psychoanalyst, to wit, Penal Code section 245, subdivision
11 (a)(1), assault with a deadly weapon other than a firearm, and Penal Code section 594,
12 subdivision (a), vandalism. The circumstances are as follows.

13 17. On or about June 2, 2015, a police officer received a call about a traffic collision
14 located at Platt Avenue and Victory Boulevard in Los Angeles, California at approximately 1:04
15 p.m. and arrived on scene at approximately 1:13 p.m. The police officer observed the aftermath
16 of a six vehicle traffic collision; three of the parties were already placed into ambulances and
17 were being taken to hospitals. There was a heavy crowd of people gathering on the corners at the
18 intersection, and the fire department provided security and traffic control to shut the intersection
19 down to prevent another collision from occurring. At least two injuries resulted from the
20 incident. Respondent admitted at the accident scene that he put his car in gear and caused the
21 accident because he wanted to die. Respondent had driven his vehicle at a high rate of speed
22 (estimated at approximately 70 miles per hour) and collided into the back of the Honda causing
23 both vehicles to become airborne. Respondent then drove at a high rate of speed and collided into
24 another group of vehicles. Respondent suffered a contusion to the anterior chest wall and a few
25 abrasions over the hands.

26 18. After the motor vehicle accident on or about June 2, 2015, Respondent was admitted
27 to Northridge Hospital Medical Center psychiatric unit on a 72-hour hold as a danger to self.
28 Upon admission, Respondent was depressed and verbalized suicidal ideation with a plan to drive

1 in Topanga Canyon and roll his car over himself to crush his chest and die. Respondent, who has
2 a history of chronic depression, was diagnosed with drug intoxication, substance abuse with
3 barbiturates and benzodiazepines, and marijuana use. His urine drug screen was presumptively
4 positive for benzodiazepines and cannabinoids. Respondent has a long history of polysubstance
5 abuse (THC, cocaine, and alcohol). Most recently he had been abusing THC for the past year. He
6 has a fake medical marijuana card. Respondent also admitted at the hospital that he took a few
7 hits of medical marijuana and drove and got lost and caused a five car pile up on Victory
8 Boulevard severely injuring a driver. He also stated that he planned to find a doctor to perform
9 physician assisted suicide and that he had attempted suicide several times.

10 19. On or about July 27, 2015, in Los Angeles County Superior Court in case number
11 LA081433, entitled *The People of the State of California vs. Jeffrey Dievendorf*, Respondent was
12 charged with assault with a deadly weapon other than a firearm, in violation of Penal Code
13 section 245, subdivision (a)(1), (Count 1), a felony, and vandalism (to damage/destroy property
14 valued over \$400), in violation of Penal Code Section 594, subdivision (a), a misdemeanor
15 (Count 2).

16 20. On or about September 9, 2016, Respondent was convicted, upon his pleas of *nolo*
17 *contendere*, of the violations in Counts 1 and 2. Respondent was sentenced to probation for a
18 period of five years, with terms and conditions, including, among other things, that Respondent,
19 serve 90 days in jail, and pay fines and restitution.

20 SECOND CAUSE FOR DISCIPLINE

21 (Dangerous Use of Alcohol and Self Use of a Controlled Substance)

22 21. Respondent is subject to disciplinary action under sections 2529 and 2529.1 of the
23 Code in that he used controlled substances and/or dangerous drugs specified in Section 4022,
24 and/or alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to
25 himself and/or to any other person and/or to the public, and/or to the extent that his use impaired
26 his ability to practice safely. The circumstances are as follows:

27 22. The allegations of the First Cause for Discipline are incorporated herein by reference
28 as if fully set forth.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Violation of Drug Statute)**

3 23. Respondent is subject to disciplinary action under section 2238 of the Code and
4 section 11170 of the Health and Safety Code in that Respondent administered a controlled
5 substance to himself. The circumstances are as follows:

6 24. The allegations of the First and Second Causes for Discipline are incorporated herein
7 by reference as if fully set forth.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Unable to Practice Safely Due to Mental Disorder)**

10 25. Respondent is subject to discipline pursuant to Business and Professions Code section
11 822 in that his ability to practice safely is impaired because he is mentally or physically ill in a
12 manner affecting competency. The circumstances of Respondent's mental illness are as follows:

13 26. The allegations of the First, Second and Third Causes for Discipline are incorporated
14 herein by reference as if fully set forth.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(General Unprofessional Conduct)**

17 27. Respondent is subject to disciplinary action under section 2234 of the Code,
18 generally, in that he committed unprofessional conduct. The circumstances are as follows:

19 28. The allegations of the First, Second, Third and Fourth Causes for Discipline are
20 incorporated herein by reference as if fully set forth.

21
22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Board issue a decision:

25 1. Revoking or suspending Research Psychoanalyst Registration Number 93, issued to
26 Jeffrey Dievendorf;

27 2. Ordering Jeffrey Dievendorf, if placed on probation, to pay the Board the costs of
28 probation monitoring;

1 3. Ordering Jeffrey Dievendorf to pay the Board the reasonable costs of the
2 investigation and enforcement of this case; and

3 4. Taking such other and further action as deemed necessary and proper.

4
5 DATED: May 15, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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